

APPENDIX EXHIBIT 11

THOMAS J. FITTON DECLARATION AND ATTACHMENTS

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

JUDICIAL WATCH, INC.,
and TRUE THE VOTE,

Plaintiffs,

V.

J. BRADLEY KING, *et al.*

Defendants.

Case No. 1:12-cv-800-WTL-TAB

DECLARATION OF THOMAS J. FITTON

Pursuant to 28 U.S.C. § 1746, I, Thomas J. Fitton, hereby declare and state as follows:

1. My name is Thomas J. Fitton. I am over the age of eighteen and have personal knowledge of the facts set forth below.

2. I am the President of Judicial Watch, Inc. and a member of its Board of Directors. I have served in these capacities since approximately August of 1998. Judicial Watch is a non-profit organization that seeks to promote integrity, transparency, and accountability in government and fidelity to the rule of law.

3. Judicial Watch has brought this legal action on behalf of its members. A large number of Judicial Watch (JW) members in Indiana wanted JW to initiate this litigation to protect their right to fair and accountable elections. JW's ability to bring legal actions concerning election law, such as the present case, is a substantial reason why these members financially support JW in the first place.

Judicial Watch's Actions on Behalf of Its Members

4. JW is a membership organization pursuant to Article IV of its Articles of Incorporation. In addition, pursuant to Article II, Section 2.01 of JW's Bylaws, membership in JW is open to any person who makes a financial contribution of a certain amount to the organization. Also, pursuant to Article II, Section 2.10 of the Bylaws, the views of JW members must be given serious consideration in decisions of the Board of Directors. Pursuant to these Bylaws, the views of JW's members exercise significant influence over the decisions of JW's Board of Directors.

5. As President of JW, I have broad responsibilities for communicating with JW's members concerning our activities. JW has over five thousand members in the State of Indiana, each of whom has made at least one financial contribution recently and thus helped to finance the activities of the organization. I solicited the views of a subset of these members via email concerning the above-captioned litigation before JW brought this lawsuit. In response, over 70 members who are registered to vote in Indiana communicated directly to me to request that Judicial Watch take action to protect their voting rights by bringing the above-captioned case. A copy of the correspondence I received from these members is included at Attachment 1. These members indicated to me that JW's protection of their voting rights was one of the reasons why they support the organization. *See* Attach. 1. The wishes of Judicial Watch's members were a substantial factor which influenced our decision to bring this lawsuit.

6. Furthermore, in 2012 JW conducted a general survey of its membership concerning the election integrity project, the results of which were published in its June 2012 newsletter. The results of that survey are included at Attachment 2. In that survey, 96% of

Judicial Watch members indicated that bringing lawsuits to protect election integrity should be “a high priority as Judicial Watch budgets its resources in the upcoming months.” *See* Attach. 2.

7. JW’s Election Integrity Project expresses these collective wishes of its members. As a part of the Election Integrity Project, JW initiates and participates in litigation to provide a means for the organization’s members to advance their collective views and protect their rights. For this project, JW has embarked on a multi-year legal effort to ensure states and counties are performing their voter roll list maintenance obligations required by federal law. JW has devoted a substantial amount of resources to this effort. Specifically, JW funded independent research to determine which states and counties had voter registration rolls with more registrations than their total voting age populations. *See* Appx. Exh. 2, Indiana Voter Roll Analysis.

8. JW is only able to invest the resources required for the above-described effort and bring litigation such as the instant case through the financial support of its members. For this reason, the preferences of JW’s members plays a significant role in our day-to-day decision-making concerning which projects JW undertakes and which lawsuits the organization files.

9. JW’s election integrity legal efforts on behalf of its members have been extensive. In addition to the instant lawsuit, since 2012 JW has participated in several election integrity cases: JW moved to intervene in *U.S. v. Florida*, an NVRA case in the U.S. District Court for the Northern District of Florida; JW filed an *amicus curiae* brief in *Davis v. Haslam*, an NVRA and Help America Vote Act (HAVA) case in the U.S. District Court for the Middle District of Tennessee; JW filed an NVRA Section 8 lawsuit against Ohio in the U.S. District Court for the Southern District of Ohio; JW filed an *amicus curiae* brief with the Supreme Court of Pennsylvania in support of the Pennsylvania Voter ID law; and JW filed an *amicus curiae* brief

with the U.S. Supreme Court supporting Arizona's use of citizenship verification for voter registration under the NVRA.

10. In the course of these efforts, Judicial Watch has developed expertise and insights into federal election laws governing the maintenance of accurate voter registration rolls, including but not limited to those provisions of the NVRA and HAVA requiring list maintenance. I believe that JW's resources and expertise offer advantages in this litigation both to JW's members and the Court which would not be present if JW's Indiana registered voter members could bring this litigation individually. Specifically, I believe JW's ability to bring this case on behalf of its members will sharpen the presentation of issues to the Court by better illuminating the difficult questions surrounding interpretation and application of the NVRA.

Judicial Watch Members' Injury

11. Judicial Watch is a conservative organization serving members that are particularly concerned about promoting fidelity to the rule of law. Accordingly, in cases such as this one where a state is failing to comply with its legal obligations under the voter list maintenance provisions of federal law, Judicial Watch's members are particularly concerned because of the appearance of political motivation behind non-compliance with the law.

12. My communications with JW members has made it apparent to me that the presence of ineligible persons on the Indiana voter rolls tends to undermine our members' confidence in the integrity of the election process. Furthermore, I understand that under the NVRA and federal law, private citizens have the right to bring lawsuits to redress the harm they suffer when their confidence in the integrity of the electoral process is undermined. In this regard, JW is acting to represent and redress this injury to its members through this litigation.

13. If JW's members were to completely lose confidence that U.S. elections are being conducted honestly, I believe their interest in participating in American civic life, including by financially supporting a government watchdog group like JW, would be substantially diminished. Accordingly, I believe both JW and its members will be adversely affected by Defendants' conduct if that conduct is not corrected.

Plaintiffs' Document Request Under NVRA Has Been Denied

14. By letter dated February 6, 2012, JW, acting on its behalf and on behalf of True the Vote, requested that Indiana produce documents related to its list maintenance efforts. Indiana failed to produce such documents, as required by the NVRA, instead issuing a blanket denial. *See* Indiana Correspondence at Attach. 3. To obtain these documents related to Indiana's list maintenance efforts, JW had to commence this lawsuit and engage in months of costly litigation, including defending a motion to dismiss, responding to discovery, and sending Defendants requests for production and additional correspondence.

I HEREBY DECLARE under penalty of perjury that the foregoing is true and correct.

Executed on this 9th day of October, 2013 in Washington, DC.



Thomas J. Fitton
President
Judicial Watch, Inc.

ATTACHMENT 1
TO DECLARATION OF THOMAS J. FITTON

From: Tom Fitton [<mailto:info@news.judicialwatch.org>]
Sent: Thursday, May 03, 2012 11:22 AM
To: [REDACTED]
Subject: Judicial Watch Fighting for You in Indiana - Your Input Needed



Judicial Watch
Because no one is above the law!

Dear Judicial Watch Member:

I am writing today to ask for your input. Judicial Watch is considering filing a lawsuit against the State of Indiana for violations of federal election laws.

If you are registered to vote in Indiana, after you've read this email, please let me know if you would support the filing of this lawsuit.

As you know, Judicial Watch depends on the continued support of its members to fight corruption across the country, promote integrity in government, and restore confidence in the rule of law. Today, we are asking our members who are registered to vote in Indiana to help guide our activities. Since this issue will affect our Indiana members most directly, we need to know how important this issue is to you. Knowing your views and understanding your interests is essential to our ability to satisfy our mission.

You may have heard about Judicial Watch's 2012 [Election Integrity Project](#). Since announcing the project in February 2012, we have been busy notifying various state and county officials that they are in violation of federal laws requiring them to clean up their voter rolls. As you are no doubt aware, many states and counties have voter registration rolls with more names on them than people who live there.

Indiana is one of these states. Despite being sued by the federal government in 2006 for failing to maintain accurate and current voter registration rolls, Indiana's voter rolls are still some of the most poorly maintained in the nation. Judicial Watch sent a [letter to the state of Indiana](#) informing them of their violations, but as of today Indiana has taken no discernible actions to correct the problems. (The Obama Justice Department is AWOL on this issue and won't enforce the rule of

law.)

We believe this is a huge problem. Inaccurate voter registration rolls contain the names of people who have died or have long since moved out of the district in which they are registered. These poorly maintained and inaccurate voter rolls can undermine confidence in the legitimacy of elections and harm our democratic process.

First, inaccurate voter rolls make fraud easier. They greatly help anyone who might want to "stuff" the ballot boxes with phony votes come November. Second, inaccurate voter rolls make voter fraud on Election Day even harder to detect than usual, as any illegal ballots cast this way will appear to be associated with a legitimate voter. If Indiana's registration lists are not cleaned up soon, the American people may have to wake up on November 7 wondering whether their votes counted or whether the election was stolen. And, given the incredible difficulty of verifying the accuracy of *millions* of ballots after they have already been cast, we might not know the truth for years to come - if ever!

If you are a registered Indiana voter, we need your input now! Please [CLICK HERE](#) if you want us to bring a lawsuit against the State of Indiana to compel Indiana to clean up its voter rolls and protect your right to vote. (Responding to this email in no way obligates you personally in any litigation.)

Also, please feel free to let us know how important this issue is to you compared to the other issues Judicial Watch is pursuing for you. If you don't want us to sue the state of Indiana, you need not take any action.

Thank you for your support.



Tom Fitton
President

[CLICK HERE TO RESPOND](#)

Judicial Watch is a non-partisan, educational foundation organized under Section 501(c)(3) of the Internal Revenue code. Judicial Watch is dedicated to fighting government and judicial corruption and promoting a return to ethics and morality in our nation's public life.

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A video message from JW President Tom Fitton

End Illegal Immigration Now!

2012
ELECTION INTEGRITY PROJECT
INDIANA

Dear Tom,

As an Indiana citizen and a Judicial Watch member, I want Judicial Watch to file a lawsuit against the State of Indiana to compel the state to clean up its voter rolls and protect my right to vote. Having Judicial Watch look after my voting rights interests is one of the reasons why I support Judicial Watch.

Yes

I am registered to vote in Indiana.

(By submitting your response you are in no way obligated to be involved personally in any litigation)

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2012

ELECTION INTEGRITY PROJECT

INDIANA

Thank you for letting us know you support Judicial Watch bringing a lawsuit against the State of Indiana to compel Indiana to clean up its voter rolls and protect your right to vote. Your reply in no way obligates you to be involved personally in any litigation.

Would you consider backing up your support by making a tax-deductible contribution to Judicial Watch now? We would greatly appreciate it.

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ATTACHMENT 2
TO DECLARATION OF THOMAS J. FITTON

Judicial Watch Conducts Member Survey on its 2012 Election Integrity Project



Whether it's funneling cash to ACORN-spinoffs or working hand-in-hand with scandal-ridden ACORN-front Project Vote to encourage voter registration fraud, the Obama campaign has initiated a massive effort to make sure Barack Obama is elected by hook or by crook. And on February 9, 2012, Judicial Watch launched its **2012 Election Integrity Project** to counter these efforts by the Obama campaign to steal the election. According to a recent Judicial Watch survey, the vast majority of Judicial Watch members want Judicial Watch to make this Election Integrity Project a major priority. The following are the results of the survey. Thank you to all who participated. *JW*



The Obama campaign has initiated a massive effort to make sure Barack Obama is elected by hook or by crook.

2012 Critical Election Member Survey Results

1) Judicial Watch has uncovered evidence that the Obama administration, in violation of federal law, continues to funnel federal taxpayer funds to renamed offshoots of the corrupt and criminal ACORN organization, which engaged in massive voter registration fraud in the 2008 election cycle. We have also uncovered government documents that show Project Vote, another ACORN front and once the employer of Barack Obama, has been conspiring with Obama White House and Justice Department officials in efforts to force states to undertake efforts to make it easier for individuals on public assistance to register to vote. As part of our efforts to ensure that the 2012 elections are conducted honestly and fairly, do you support continued investigations by Judicial Watch into the activities of ACORN-related groups and Project Vote?

Yes 97%

No 0%

Unsure 3%

2) Several states are attempting to enact reasonable voter identification requirements to ensure that only American citizens and legitimately registered voters are allowed to vote in this year's elections. These voter identification efforts are routinely opposed by the Obama Justice Department. Do you believe that Judicial Watch should offer to assist states in their legal battles with the Obama administration over sensible voter identification programs?

Yes 97%

No 1%

Unsure 2%

3) To counter the multiple assaults that the Obama administration has mounted against the honesty of the electoral process, Judicial Watch has launched its 2012 Election Integrity Project, which is designed to uphold the integrity of the 2012 elections. This project will include investigations and history-making lawsuits to protect our elections from being corrupted. Do you believe this project should receive a high priority as Judicial Watch budgets its resources in the upcoming months?

Yes 96%

No 1%

Unsure 3%

4) What sources of news do you generally rely upon for information about current events, politics and public policy? (Please check as many as apply)

ABC News 10%

CBS News 7%

NBC News 7%

CNN News 5%

FOX News 34%

Local Newspaper 24%

Online Publications 24%

None 2%

ATTACHMENT 3
TO DECLARATION OF THOMAS J. FITTON



**Judicial
Watch®**
*Because no one
is above the law!*

February 6, 2012

VIA CERTIFIED MAIL

The Honorable Charlie White
Indiana Secretary of State
200 W. Washington St., Room 201
Indianapolis, IN 46204

Mr. J. Bradley King
Mr. Trent Deckard
Co-Directors, Indiana Election Division
302 W. Washington St., Room E204
Indianapolis, IN 46204

**Re: Apparent Violations of Section 8 of the National Voter Registration Act,
42 U.S.C. § 1973gg-6**

Dear Secretary White and Messrs. King and Deckard:

We believe that Indiana is in violation of Section 8 of the National Voter Registration Act (“NVRA”), which requires States to maintain accurate lists of eligible voters for use in conducting federal elections.¹ As you may know, Congress enacted Section 8 of the NVRA to protect the integrity of the electoral process. This letter serves as advance notice that a lawsuit may be brought against you if you do not take action to correct this apparent violation of Section 8 within 90 days. We hope that litigation will not be necessary.

Allowing the names of ineligible voters to remain on the voting rolls harms the integrity of the electoral process and undermines voter confidence in the legitimacy of elections. As the U.S. Supreme Court has stated, “[P]ublic confidence in the integrity of the electoral process has independent significance, because it encourages citizen participation in the democratic process.”²

As the top election officials in Indiana, it is your responsibility under federal law to conduct a program that reasonably ensures that the lists of eligible voters are accurate. The following information explains the NVRA violations we allege and the remedial steps you need to take to comply with the law.

¹ NVRA Section 8 responsibility lies with the State of Indiana and your offices. *See US. v. State of Indiana*, Consent Decree and Order, ¶ 4, Civil Action No. 1:06-cv-1000-RLY-TAB (S.D. Ind., July 5, 2006); *See also* Ind. Code §§ 3-7-11-1, 3-7-11-2.

² *Crawford et al. v. Marion County Election Board*, 553 US 181, 197 (2008).

The Honorable Charlie White
Messrs. J. Bradley King and Mr. Trent Deckard
February 6, 2012
Page 2

1. The NVRA Requires You to Undertake Reasonable Efforts to Maintain Accurate Lists of Eligible Registered Voters

Under Section 8 of the NVRA, Indiana is required to undertake a uniform, nondiscriminatory voter registration list maintenance program that complies with the Voting Rights Act of 1965. 42 U.S.C. § 1973gg-6(b)(1). Specifically, Section 8 requires Indiana to make a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters due to (A) “the death of the registrant” or (B) “a change in the residence of the registrant” to a place outside the jurisdiction in which he or she is registered. 42 U.S.C. § 1973gg-6(a)(4).

This obligation is augmented by the Help America Vote Act (“HAVA”), which among other duties, requires Indiana to “ensure that voter registration records in the State are accurate and updated regularly” and undertake a “system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters.” 42 U.S.C. §§ 15483(a)(4) and 15483(a)(4)(A). HAVA also requires that Indiana coordinate its computerized statewide voter registration list with State agency death records. 42 U.S.C. § 15483(a)(2)(A)(ii)(II).

Programs to remove the names of ineligible voters from the official lists of eligible voters must be completed 90 days prior to a primary or general election. 42 U.S.C. § 1973gg-6(c)(2)(A). This year’s general election is on November 6, so your list systematic maintenance programs must be both implemented and completed by **August 8, 2012**.

2. Indiana Does Not Appear to be Maintaining Accurate Eligible Voter Lists

Based on our review of 2010 census data and publicly available eligible voter lists, it appears that Indiana is failing to comply with the voter registration list maintenance requirements of Section 8 of the NVRA. For example, it appears that there are more people registered to vote in the Counties of Scott, Spencer, Crawford, Warrick, Tipton, Franklin, Warren, Union, Orange, Brown, Hancock, and Newton than there are adults over the age of 18 living in each county. Even if every single eligible voter in these counties were registered to vote, the eligible voter lists would still appear to contain the names of voters who have either moved out of the county or are dead. This is particularly troubling in light of the 2006 consent decree between your state and the U.S. Department of Justice. As you know, that order requires the State of Indiana to take enforcement action against counties that fail to maintain accurate eligible voter lists.

The above information strongly suggests Indiana has not been maintaining its eligible voter lists and is therefore in violation of the NVRA. Equally importantly, your apparent failure to maintain accurate, up-to-date voter registration lists creates a risk that elections in November 2012 and beyond may lack the integrity required by the NVRA and undermine public confidence in the electoral process. We are hopeful that you will outline and begin implementation of a reasonable compliance program quickly.

The Honorable Charlie White
Messrs. J. Bradley King and Mr. Trent Deckard
February 6, 2012
Page 3

3. Failure to Comply with NVRA Subjects You to Lawsuits and Financial Costs

As you may know, a lawsuit may be brought against you under the NVRA if you fail to correct these violations within 90 days of your receipt of this letter. You are receiving this letter because you are the designated chief state election officials under the NVRA.

While you may be aware that U.S. Attorney General Eric Holder has prioritized enforcement of Section 7 of the NVRA, which seeks to expand opportunities to register to vote, the Attorney General has not demonstrated any similar interest in prioritizing enforcement of the list maintenance provisions of Section 8 of the NVRA. Nonetheless, Section 8 is an important counterpart to Section 7. The two provisions represent a carefully crafted compromise by the U.S. Congress to increase both voter registration **and** the integrity of voter rolls. In passing NVRA, Congress authorized a private right of action to enforce the provisions of the NVRA, including Section 8. 42 U.S.C. § 1973gg-9(b). Congress also authorized awards of attorney's fees, including litigation expenses and costs, to the prevailing party. 42 U.S.C. § 1973gg-9(c). Consequently, if we initiate a lawsuit under the NVRA and the court finds you in violation, you will be responsible for paying our attorney's fees, costs, and litigation expenses.

4. Avoidance of Litigation

In order to avoid litigation, we hope you will promptly initiate efforts to comply with the NVRA so that no lawsuit will be necessary. We ask you to please respond to this letter in writing no later than 45 days from today, or by March 22, 2012, informing us of the compliance steps you are taking. Specifically, we ask you to: (1) conduct a systematic, uniform, nondiscriminatory program (or take action under such an existing program) to remove from the list of eligible voters the names of persons who have become ineligible to vote by reason of death or change in residence; and (2) complete this program no less than 90 days prior to the November election. In addition, we also ask you to begin all other steps outlined above for routine list maintenance between now and the November election. If you have already taken steps to maintain the accuracy of your eligible voter list that correct the problems described above in part 2 of this letter, please identify those steps in detail and advise us of the results of those efforts.

Finally, pursuant to the requirements of the NVRA, please make available to us all pertinent records concerning "the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency" of Indiana's official eligible voter lists during the past 2 years. 42 U.S.C. § 1973gg-6(i).

We hope our concerns can be resolved amicably. However, with the November 2012 election on the horizon and in light of the importance of Section 8 of the NVRA to ensuring the integrity and legitimacy of the electoral process, we must emphasize the importance of

The Honorable Charlie White
Messrs. J. Bradley King and Mr. Trent Deckard
February 6, 2012
Page 4

timeliness. Accordingly, if we believe you do not intend to correct the above-identified problems, a lawsuit seeking declaratory and injunctive relief may be necessary.

We look forward to your timely response.

Sincerely,

JUDICIAL WATCH, INC.



Thomas J. Fitton
President

cc: J. Christian Adams, Esq.
Election Law Center

SECRETARY OF STATE
STATE OF INDIANA



JEROLD A. BONNET
SECRETARY OF STATE

March 15, 2012

Mr. Thomas J. Fitton
President
Judicial Watch, Inc.
425 Third Street
Washington, D.C. 20024

Re: NVRA Complaint (2012-01)

Dear Mr. Fitton:

Please see the enclosed order regarding this complaint.

Sincerely,

David R. Maxwell
Voter Outreach Director

ORDER

INDIANA ELECTION DIVISION

WHEREAS, a complaint or grievance was filed by Judicial Watch, Inc, by Thomas J. Fitton, President, with the Election Division of the Office of the Secretary of State of Indiana ("the Election Division") pursuant to IC 3-7-11 (administrative complaints regarding violations of Indiana Code 3-7 or the National Voter Registration Act [NVRA]);

WHEREAS, pursuant to IC 3-7-11-5, the Co-Directors of the Election Division ("the Co-Directors") have determined that even if the facts set forth in the complaint or grievance are assumed to be true, there is no violation of NVRA, or IC 3-7; and

WHEREAS, under IC 3-7-11-5, the Co-Directors shall dismiss the complaint or grievance upon making this determination;

IT IS THEREFORE ORDERED:

SECTION 1. That Co-Directors having determined that the complaint or grievance filed by Justice Watch, Inc with the Election Division (and designated as 2012-1) does not set forth a violation of NVRA or IC 3-7 even if the facts set forth in the complaint or grievance are assumed to be true, hereby **DISMISS** the complaint or grievance.


SECTION 2. A copy of this Order shall be provided by certified mail to the person who filed the complaint or grievance; the person alleged to have committed the violation (if contact information was provided by the complainant); the members of the Indiana Election Commission; and the Attorney General.

SO ORDERED THIS 9th DAY OF MARCH, 2012:

THE INDIANA ELECTION DIVISION:



Trent Deckard
Co-Director, Indiana Election Division



J. Bradley King
Co-Director, Indiana Election Division

APPENDIX EXHIBIT 12

CATHERINE ENGELBRECHT DECLARATION AND ATTACHMENTS

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

JUDICIAL WATCH, INC.,
and TRUE THE VOTE,

Plaintiffs,

V.

J. BRADLEY KING, *et al.*

Defendants.

Case No. 1:12-cv-800-WTL-TAB

DECLARATION OF CATHERINE ENGELBRECHT

Pursuant to 28 U.S.C. § 1746, I, Catherine Engelbrecht, hereby state and declare as follows:

1. My name is Catherine Engelbrecht. I am over the age of eighteen and have personal knowledge of the facts set forth below.

2. I am the President of True the Vote. True the Vote is a public interest organization whose purpose is to ensure that elections are conducted in accordance with the laws so that Americans have confidence in the integrity of our nation's election results.

3. In Indiana, the Defendants' acts and omissions have caused injury to True the Vote (TTV) in two separate ways. First, the Defendants' conduct has made it much more difficult for TTV to fulfill one of its essential purposes of ensuring voter registration rolls are highly accurate. Second, the Defendants' conduct has made it necessary for TTV to divert resources it could have spent on other election integrity measures, forcing and to spend those resources instead on increased voter list maintenance efforts in Indiana. Defendants' conduct has made it more difficult for TTV to improve the voter rolls in Indiana. Since Defendants have

failed to put forth the list maintenance effort required by law, TTV's ability to build on Indiana's efforts has been hampered.

True the Vote's Voter List Verification Project

4. In order to satisfy its public interest mission, TTV obtains and examines official lists of eligible voters and other voter registration data from states, counties, and localities across the United States, including the State of Indiana. TTV reviews and analyzes these lists and compares them to other voter registration data in order to verify that the lists are as accurate and current as possible. TTV strives to make voter rolls as close to 100% accurate as possible. TTV engages in year round work towards this end because having highly accurate voter rolls is one of the simplest ways to promote voter confidence on Election Day and to make any illegal conduct easier to detect if it occurs.

5. TTV conducts such reviews both in-house and by using trained volunteers. Reviewing official lists of eligible voters and voter registration data and comparing these lists and data to other publicly available data enables TTV to identify possible inaccuracies and deficiencies. Registrations that appear to be duplicates or registrations of persons who are deceased, have relocated, or otherwise are ineligible to vote in a particular jurisdiction are flagged and citizen's complaints are filed with the appropriate elections officials or flagged for future action. TTV conducted an initial review of Indiana's voter rolls. Without having access to all the private databases and vast resources of the State of Indiana, TTV was nevertheless able to positively identify at least 50,000 deceased, duplicate, incomplete, or otherwise invalid registrations listed as "active" on Indiana's voter registration rolls. TTV provided this information to Indiana through counsel, a copy of which is attached hereto. *See Attach. 1.*

6. This voter list verification program is among the largest, if not the largest, of all of TTV's various programs, and it is essential to TTV's public interest mission. TTV has built in-house expertise, and has recruited and trained volunteers to analyze and verify the accuracy and currency of official lists of eligible voters and other voter registration data for the State of Indiana for the November 2014 election and plans to recruit and train additional volunteers in Indiana for this effort.

7. However, TTV's citizens-sponsored, volunteer program can only build on and supplement the list maintenance programs required of the States by federal voter registration laws. It cannot duplicate or replace the States' efforts. TTV's efforts to analyze and verify the accuracy and currency of official lists of eligible voters and other voter registration data, including official lists and other voter registration data in the State of Indiana, are dependent in substantial part on States' fulfilling their voter list maintenance obligations under federal voter registration laws. If a State does not or cannot make a reasonable effort to conduct the voter list maintenance programs required by federal voter registration laws, then TTV's ability to meaningfully improve the accuracy and currency the State's voter lists is harmed. Instead, TTV can only hope to make up for a small part of the State's failure to fulfill its legal obligations.

8. As I understand it, the National Voter Registration Act (NVRA) gives TTV a right to ensure Section 8's list maintenance obligations are being followed by the states. Specifically, I understand that the NVRA requires states to make public all information concerning their voter list maintenance activities, and allows any person who is aggrieved by violations of the NVRA to bring lawsuits seeking enforcement in federal court.

9. If Defendants' longstanding NVRA violations are not corrected going forward with the regular, effective, and ongoing execution of a reasonable list maintenance program, it will frustrate and impair TTV's citizen-sponsored, volunteer efforts to improve the accuracy and currency of the State of Indiana's voter lists. Specifically, TTV will be impaired and prevented from fulfilling its mission to make the voter lists as accurate and current as possible, and instead will only be able to make up for a small part of the Defendants' failure to fulfill their legal obligations. As a result, Defendants' conduct will have undermined TTV's ability to satisfy one of its key organizational purposes in the State of Indiana.

True the Vote's Other Election Integrity Projects

10. In addition to the above-described voter list verification project, TTV is engaged in several other projects designed to ensure elections are conducted with integrity. For instance, TTV trains and mobilizes volunteers to work as election monitors, and directs those volunteers to the appropriate channels. In addition, TTV creates instructional videos to recruit election monitors, holds training sessions, and produces reference guides to educate election monitors across the country. TTV produced a reference guide for Indiana election monitors which addresses Indiana's election laws and regulations, an excerpt of which is attached hereto. *See* Attach. 2.

11. Defendants' actions make it necessary for TTV to divert resources it could be spending on the election integrity efforts described in the above paragraph and instead redouble its efforts to ensure Indiana's voter rolls are clean.

Plaintiffs' Document Request Under NVRA Has Been Denied

12. By letter dated February 6, 2012, Judicial Watch, acting on its behalf and on behalf of TTV, requested that Indiana produce documents related to its list maintenance efforts. Indiana failed to produce such documents, as required by the NVRA, instead issuing a blanket denial. To obtain these documents related to Indiana's list maintenance efforts, TTV had to commence this lawsuit and engage in months of costly litigation, including defending a motion to dismiss, responding to discovery, and sending Defendants requests for production and additional correspondence.

I HEREBY DECLARE under penalty of perjury that the foregoing is true and correct.

Executed on this 29th day of October, 2013 in Washington, DC.

A handwritten signature in dark ink, appearing to read 'C. Engelbrecht', is written over a horizontal line.

Catherine Engelbrecht

President

True the Vote

ATTACHMENT 1
TO DECLARATION OF CATHERINE ENGELBRECHT



Indiana Voter Roll Accuracy Snapshot

April 2013

This report was prepared to demonstrate potential maintenance failures in Indiana's voter rolls, with particular emphasis on datasets pertaining to Section 8 of the National Voter Registration Act.

Overview

This report examines cases of deceased, duplicate, incomplete and otherwise invalid, active voter registrations held by the State of Indiana. Each dataset demonstrates a collective failure on behalf of state and county officials required to remove such records according to Indiana Code (IC) compliance statutes with the National Voter Registration Act.

20,524 deceased voters

Indiana Code 3-7-26.3-11 charges county voter registration offices with the duty of removing deceased voters from rolls following their death. Methods for determining that a voter is deceased varies, including the use of database matching between the Indiana State Voter Registration System (SVRS) and the Social Security Administration (IC 3-7-26.3-19(2)). Following official confirmation of death, county administrators do not face statutory requirements to delay removal, even within 90 days before an election. Further, county administrators must also proactively purge deceased voters from rolls on a consistent basis according to IC 3-7-45-6.1.

3,657 voter registrations with ineligible residential addresses

Line 5 of the Indiana Voter Registration Application (State Form 50504 (R8/5-12)) requires that a citizen state their current residential address and explicitly clarifies that any form of a PO Box may not be used. When registering, potential voters must prove their residential address with a current utility bill, bank statement, government check, paycheck, or government document (IC 3-7-33-4.5(B)).

6,451 Incomplete or invalid residence addresses

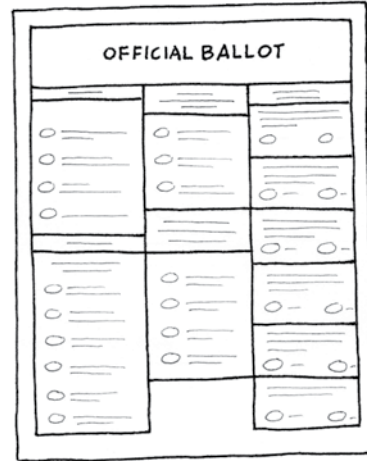
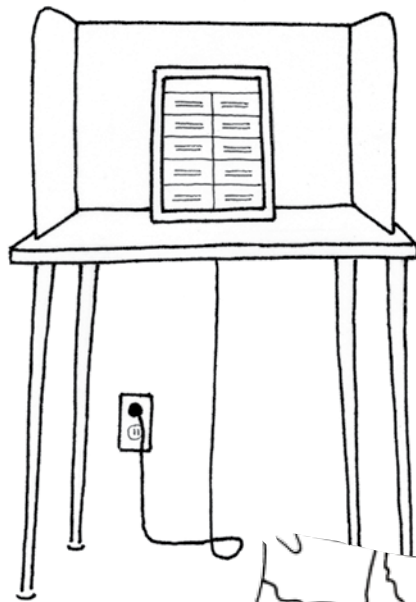
Indiana Code 3-7-34 details the various processes available to county election officials for proper protocols in completing voter registration applications, should they return with missing information. Given the detailed requirements for applicants to prove residence, there exist more than 6,400 active registrations within the state that do not satisfy the requirements of the application, yet have been deemed eligible to vote.

26,988 duplicate registrations within the state

Though voters generally bear the duty to request a transfer of their registration after moving (IC 3-7-39-1), Indiana statutes outline requirements for county officials to update and remove records, especially duplicates (IC 3-7-26.3-14(3)). True the Vote found 26,988 duplicate registrations based on perfect matches of first name, last name and full birthdate – less voters deemed inactive according to Indiana records.

ATTACHMENT 2
TO DECLARATION OF CATHERINE ENGELBRECHT

Make votes count!

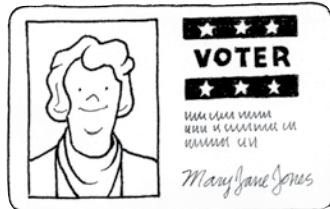


Inspire and equip volunteers as Election Observers!

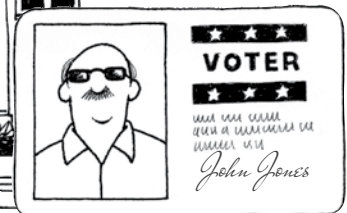


Prevent voter fraud!

Ensure election integrity!



Advocate free and fair elections in 2012!



A citizen initiative expressed by TRUE the VOTE



Indiana Poll Watcher Training

Getting Started	4
How To Use Your eBook	4
Chapter 1 – Introduction	5
Welcome	5
The Purpose	5
Why Do We Need Election Observers?	5-6
What's in the Video	6
Chapter 2 – Who Oversees Our Elections?	7
Election Officials	7
Polling Place Staff	7
Poll Supervisor	8
Assistant Poll Supervisor	9
Election Workers	10
Election Observers	11
Poll Challengers	12
Other Service Venues	12
Early Voting Procedures	12-13
Chapter 3 – Preparing For Elections	14
Poll Assignment	14
Training Requirements	15
Final Briefing and Deployment	16
Election Observer Checklist	16
Commitment	16
Chapter 4 – Working The Elections	17
Setting Up the Poll	17
Types of Ballots and Equipment	18
Arrival At Poll	18-19
Election Observer Rules and Privileges	20-21
Infractions	21
Conflict Resolutions	22
Chapter 5 – Opening The Poll	23
Who's in the Polls	23
Opening Evaluation	23



Indiana Poll Watcher Training

Equipment Usage	24-25
Opening Procedures	26
Poll Layout	27
Note Taking	28
Chapter 6 – Poll Activity	29
Voting Area	29
Voter Check-In	29-30
Voting List/Poll Book	30
Same Day Voter Registration	30
Paper Ballots	31-32
Electronic Ballots	33-34
Provisional Ballots	35-36
Absentee/mail-in Ballots	37
Voters Needing Assistance.	37-38
Curbside Voting.	39
Interim Voter Counts	40
Electioneering.	40
Challenging Voters or Absentee/mail-in Ballots	41
Taking Breaks.	42
What to Watch For	42-43
Chapter 7 – Closing The Poll	44
Closing Procedures	44
Voting After the Poll is Closed	45
Closing Documentation	46
Counting Ballots	47-48
Securing and Transporting of Ballots and Equipment	49
Breaking Down the Poll Equipment.	50
Incident Reports	50
Closing Checklist	51
Chapter 8 – Wrap Up.	42
Online Assessment	53
Helpful Links.	53



How To Use Your eBook

This eBook was created just for you and your state. In it you will find the material covered in the Election Observer training video, along with state specific details and election laws that are unique to your state. There's a lot of information contained in the video and on the following pages - don't get overwhelmed. Our intent is to expose you to the full polling place experience, so that you will be generally familiar with the entire process. As you will learn, TRUE the VOTE will provide you with additional supporting documents and a Quick Reference Guide closer to Election Day.....but for now, what's most important is for you to watch the training video, follow along with the eBook, and take the assessment at the end of the course (so that you'll know that you know that you know your role in the poll.) After those steps are complete, you'll be contacted by your local election integrity organization-they'll help connect you with volunteer opportunities and make sure you are ready to go!

We're all in this together, all serving to support the single most fundamental process of our representative republic. Thank you for your commitment to election integrity!

Objectives

After completing this course, you will be able to:

- Understand the role of an Election Observer.
- Identify responsibilities of an Election Observer.
- Describe key events in polling place procedures.
- Recognize common causes of election irregularities.
- Perform the duties of an Election Observer.

Icons Used Throughout This eBook



Video Content



Sources for Additional Information



State Specific Information



Notes



Welcome

Welcome to the TRUE the VOTE Election Observer Training - thank you for stepping up to help ensure the integrity of our elections! TRUE the VOTE is an initiative developed by citizens for citizens to inspire and equip volunteers for involvement at every stage of our electoral process and to actively protect the rights of legitimate voters regardless of party affiliation.



The Purpose and Role

The purpose of this training is to prepare you for your role as an Election Observer and to explain the importance of this role. **The term Election Observer is the generic title we will refer to throughout this video, but the official title of this role may be different in your state.** The 10th Amendment of our Constitution provides for elections to be overseen at the state level, this means that election laws and titles can vary by state. However, most of the basic processes are the same. In addition to the training video, you'll have this state specific eBook to highlight important information unique to your state.



Watchers are needed to observe the opening and closing of the polls as well as the election process in general to assure everything is being run according to Indiana Election Laws. Watchers ensure elections are kept free and fair.



Why Do We Need Election Observers?

Across the country, citizens are becoming increasingly concerned about our electoral process. When election laws are not followed properly, or the laws are vague, it leaves the process open to problems - including manipulation by those with partisan agendas. Without Election Observers present, these issues often go undocumented and unaddressed. TRUE the VOTE isn't concerned with which political party you're a part of, or which candidate you support - but we are very concerned about the integrity of our elections.



Just One Example Of Election Fraud In Indiana

"Prosecutors in South Bend, Ind., filed charges Monday against four St. Joseph County Democratic officials and deputies as part of a multiple-felony case involving the alleged forging of Democratic presidential primary petitions in the 2008 election, which put then-candidates Barack Obama and Hillary Clinton on the Indiana ballot" "...a local jury on Saturday convicted Indiana Secretary of State Charlie White on six felony counts, including theft and voter fraud — a crime he was supposed to prevent as the state's top election official."



<http://www.foxnews.com/politics/2012/04/02/4-indiana-dems-charged-with-election-fraud-in-2008>

<http://www.npr.org/blogs/itsallpolitics/2012/02/06/146473653/indianas-top-election-official-convicted-of-voter-fraud>



What's in the Video

This training will be presented in chapters, so that you can go back and review areas that you might have questions about without having to watch the entire presentation. The Chapters are:

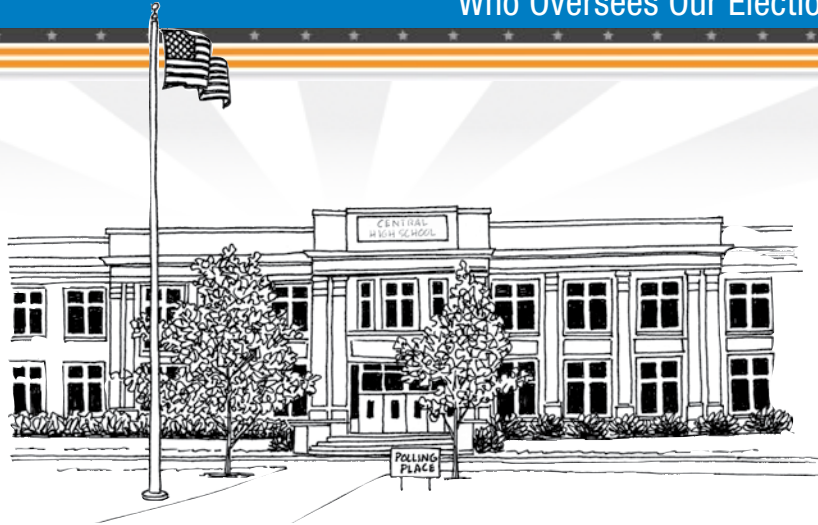
- Chapter 1 - Introduction
- Chapter 2 - Who Oversees Our Elections?
- Chapter 3 - Preparing for Elections
- Chapter 4 - Working the Elections
- Chapter 5 - Opening the Poll
- Chapter 6 - Poll Activity
- Chapter 7 - Closing the Poll
- Chapter 8 - Wrap-Up

Since this training will be available as an on-demand video, once you've registered for the course you will be able to access the video at your convenience. TRUE the VOTE also offers live webinars for Q&A sessions, conference calls, and online discussions, to help equip you with the knowledge and understanding of election laws and procedures in your state.



Notes





Election Officials

The key individuals involved in elections are the Secretary of State (SoS), local Election Administrators, local Voter Registrars, and in some states, Election Boards. The SoS is the senior-most individual at the state level responsible for elections. Local Election Administrators have varied titles and conduct the actual election (voting) operations. Local Voter Registrars are responsible for the registering of voters and maintaining the integrity of the voter rolls. Election Boards, sometimes called Accountability Boards, oversee both registration and election operations.



The Secretary of State in Indiana is traditionally elected by the people, however, current SOS Connie Lawson [R] was appointed after the previous SOS was convicted of several felony charges.
<http://www.in.gov/sos/>



<http://www.in.gov/sos/>



Polling Place Staff

State election laws generally provide for four to five types of roles at the polls, though the position titles vary widely by state or county. These roles are:

- Poll Supervisor*
- Assistant Poll Supervisor*
- Election Clerks*
- Election Observers*
- Poll Challengers*

*** These are the generic terms used in this training. The specific titles used by your state are defined in your states election code.** Staffed by members of both major parties, these roles work together to ensure a fair and honest electoral process.



Inspector- Sets up election materials, over sees smooth run of election day; Judges-assist inspectors and allow for two witness from each party on affidavits and certificates; Poll clerk/assistant poll clerk-sign in voters and assist with any questions; Election sheriff-handles any suspected illegal activity and may call in law enforcement if necessary; Poll book holder-handles the poll book to ensure there is no double voting or voting in other names also checks list in the case of challenges; Watcher-observes the election process to ensure the election is kept free and fair; Challenger-ensures all voters are registered in that precinct.



Poll Supervisor

The Poll Supervisor is the primary authority in the poll. This person directs, oversees, and is responsible for all election business in the poll. In some states, this individual has legal authority equivalent to that of a district judge. The Poll Supervisor is usually selected by a major party and is the primary representative for that party in the poll.

This person must be a qualified, registered voter and may not be a candidate on the ballot or an elected public official. This person must attend training provided by the Election Administrator. This is a paid position.



Inspector- Paid. Works as the precinct chair and are nominated by the chair of a political party whose candidate for secretary of state received the highest vote. Inspectors must be an eligible voter, have the ability to read, write, and speak English, not have any bet or wager on the result of the election, not be a candidate or related to/associated with a candidate or working in the interest of a ballot issue. Inspectors and all workers must receive poll worker training. Inspectors are to oversee the oath administration of the other poll workers. Makes final decisions along with the two election judges.

Indiana Election Code

IC 3-6-6-8 Inspector; nomination by county chairman**Sec. 8.** The county chairman of the major political party whose candidate for the office of secretary of state received the highest vote in the county at the last election may nominate a voter for the office of inspector.

IC 3-6-6-7 Requirements for election officers and inspectors**Sec. 7.** (a) An otherwise qualified person is eligible to serve as a precinct election officer unless any of the following apply: 1) The person is unable to read, write, and speak the English language. (2) The person has any property bet or wagered on the result of the election. (3) The person is a candidate to be voted for at the election in the precinct, except as an unopposed candidate for a precinct committeeman or state convention delegate. 4) The person is the spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece of a candidate or declared write-in candidate to be voted for at the election in that precinct. This subdivision disqualifies a person whose relationship to the candidate is the result of birth, marriage, or adoption. This subdivision does not disqualify a person from serving as a precinct election officer if the candidate to whom the person is related is an unopposed candidate. For purposes of this subdivision, an "unopposed candidate" includes an individual whose nomination to an office at a primary election is unopposed by any other candidate within the same political party. (5) The person did not attend training required by section 40 of this chapter. (b) In addition to the requirements of subsection (a), a person is not eligible to serve as an inspector if the person is the chairman or treasurer of the committee of a candidate whose name appears on the ballot.



Assistant Poll Supervisor

The Assistant Poll Supervisor is the secondary authority in the poll. This person stands in for the Poll Supervisor when the Poll Supervisor is absent from the poll or voting area. The Assistant Poll Supervisor is typically selected by the opposing major party and, is the primary representative for the opposing major party in the poll.

This person must be a qualified, registered voter and may not be a candidate on the ballot or an elected public official . This person must attend training provided by the Election Administrator . This is a paid position .

* These are the generic terms used in this training. The specific titles used by your state are defined in your state's election code. Staffed by members of both major parties, these roles work together to ensure a fair and honest electoral process



Judges- Paid. There are to be two election judges, one for each major political party. Judges assist the inspector in the smooth running of election day and are there to present balance in situations where voter assistance is needed or challenges may be presented. Like the rest of the poll workers, judges receive training administered by the county. Judges have the same qualifications as inspectors.

Indiana Election Code

IC 3-6-6-9 Election officers; nomination by county chairmen

Sec. 9. The county chairmen of the major political parties of a county may nominate individuals who meet the requirements of section 7 or 39 of this chapter for the following precinct election offices who will serve in the precinct on election day:

- (1) Judge.*
- (2) Poll clerk.*
- (3) Assistant poll clerk.*
- (4) Election sheriff.*



Election Workers

Election Workers are those individuals who, under the direction of the Poll Supervisor and Assistant Poll Supervisor, conduct the actual set up of the polls, the operation of the voting process, and the closing of the polls. These individuals may be selected by the major parties or by the Poll Supervisor and/or Assistant Poll Supervisor. Election Workers most often rotate between different tasks in conducting the election operations at the polls.

The title of the Election Worker is defined in the state election code . This person is a qualified, registered voter . An Election Worker may not be a candidate on the ballot or an elected public official . This position holder must attend training provided by the Election Administrator . This is a paid position .



Poll Clerks and Assistant Poll Clerks- Assist in the running of the polling place; signing voters in, answering questions, etc. Clerks must attend the same training as other poll workers, which is available online. Clerks are paid. Clerks are appointed by their county election board and may be nominated by the chairman of one of the major political parties. Except for the case of the case of youth serving mentioned below, election workers must be voters of the county.

Indiana Election Code

IC 3-6-6-2 Poll clerks; appointment Sec. 2. (a) Except as provided in section 38 of this chapter, each county election board shall appoint two (2) poll clerks for each precinct in the county. (b) Each county chairman of a major political party of the county is entitled to nominate one (1) poll clerk under section 9 of this chapter. (c) Except as provided in section 39 of this chapter, the poll clerks must be voters of the county. d) The county election board may permit a person who is not a voter to be an assistant poll clerk if the person is: (1) at least sixteen (16) years of age, but not more than seventeen (17) years of age; and 2) a resident of the county. **As added by P.L.5-1986, SEC.2. Amended by P.L.3-1987, SEC.28; P.L.4-1991, SEC.15; P.L.176-1999, SEC.12 Sec. 40.** (a) The county election board shall conduct a training and educational meeting for precinct election officers. (b) The board shall require inspectors to attend the meeting and may require other precinct election officers to attend the meeting. The board shall maintain a record of the attendance of each individual at the meeting conducted under this subsection. (c) The meeting required under this section must include information: (1) relating to making polling places and voting systems accessible to elderly voters and voters with a disability; and 2) relating to the voting systems used in the county. The meeting may include other information relating to the duties of precinct election officers as determined by the county election board. (1) is appointed as a precinct election officer after the training and educational meeting conducted under this section; or the county election board may authorize the individual to serve as a precinct election officer if the county election board determines that there is insufficient time to conduct the training required by this section.



Election Observer

An Election Observer is typically appointed by a stakeholder on the current ballot. This stakeholder can be a political party with a candidate on the ballot, a candidate or group of candidates on the ballot, or a political group supporting or opposing a proposition, issue or amendment on the ballot. In some states, an Election Observer can be self-appointed and unaffiliated with any other entity. These individuals generally watch the election activities to insure all activities are conducted in accordance with the law. Where violations of, or exceptions to, the election laws are observed, these individuals alert election officials where allowed and document the observations in order to provide a written record of all violations and exceptions. The specific title for Election Observer in your state is defined in your state's election code. An Election Observer generally must be a qualified, registered voter. An Election Observer must not be an employee, or employer of, or related to, any of the paid Election Workers. This is a volunteer position. While a party or candidate may provide training, it is generally not a requirement to attend.



Watcher- Must be a registered voter of the county, obtain and present ID card signed by the chairman of their county election board, county party chair, or chair of the committee of an independent candidate. Watchers are not paid. Watchers may challenge voters as well as report an violations committed by any election workers.

Indiana Election Code

IC 3-6-8-2. Eligibility of watchers Sec. 2.5. A watcher appointed under this chapter must be a registered voter of the county. As added by P.L.3-1997, SEC.47. IC 3-6-8-3 Identification card Sec. 3. (a) A watcher present at the polls must possess an identification card issued under this section and present the card if demanded by a member of the precinct election board. (b) The county election board, county chairman, or chairman of the committee of the independent candidate for a federal or a state office: (1) must appoint each watcher in writing; and (2) shall issue one (1) watcher identification card for each person appointed as a watcher. (c) The identification card must be signed by the chairman of the county election board, county chairman of the party, or chairman of the committee of the independent candidate for a federal or a state office that the watcher represents. (d) The identification card described in subsection (a) must clearly state the following: (1) The status of the individual as an appointed watcher. (2) The name of the individual serving as a watcher. (3) The name of the person who appointed the individual as a watcher. (4) If the individual has been appointed as a watcher by a political party, the name of the political party. As added by P.L.5-1986, SEC.2. Amended by P.L.5-1989, SEC.13; P.L.7-1990, SEC.4; P.L.3-1993, SEC.25; P.L.3-1995, SEC.21; P.L.230-2005, SEC.20. **IC 3-6-8-4 Powers and duties Sec. 4.** A watcher appointed under this chapter is entitled to: (1) enter the polls at least thirty (30) minutes before the opening of the polls and remain there throughout election day until all tabulations have been completed; (2) inspect the paper ballot boxes, ballot card voting system, or electronic voting system before votes have been cast; (3) inspect the work being done by any precinct election officer; (4) enter, leave, and reenter the polls at any time on election day; (5) witness the calling and recording of the votes and any other proceedings of the precinct election officers in the performance of official duties; (6) receive a summary of the vote prepared under **IC 3-12-2-15, IC 3-12-3-2, IC 3-12-3-11, or IC 3-12-3.5-3**, signed by the precinct election board, providing: the names of all candidates of the political party whose primary election is being observed by the watcher and the number of votes cast for each candidate; (B) the names of all candidates at a general, (A) municipal, or special election and the number of votes cast for each candidate; or (C) the vote cast for or against a public question; (7) accompany the inspector and judge in delivering the tabulation and election returns to the county election board by the most direct route; (8) be present when the inspector takes a receipt for the tabulation and election returns delivered to the county election board; and (9) call upon the election sheriffs to make arrests.



Poll Challengers

Depending on specific state election law, the Poll Challenger role may or may not exist. These individuals are typically appointed by candidates who are on the ballot, or organizations that support or oppose propositions included on the current ballot. They usually oversee the voter qualification and check-in process, providing an independent verification to ensure voting requirements are being met.



Challenger/Pollbook Holder- Unpaid, unless by the party nominating them. May enter the polls 30 minutes before opening and come and go freely. Must be a resident of the county. Are appointed by a political party or candidate who must issue them some sort of credentials if they are approved. There may be challenges at the polling place, in most cases a provisional ballot is used.



Other Service Venues

Venues for Election Workers and Election Observers vary widely by state and local practices. The typical venues where Election Workers and Election Observers serve are: election polling locations where citizens vote in person, central count locations where ballots are collected and/or counted, voter registration locations where voters are registered, and central count locations for absentee/mail-in ballot review.



Early Voting Procedures

In many states there are two in-person election periods - Early Voting and General Election. Early Voting is a period of time ranging from several days to several weeks before the General Election. Early Voting offers voters additional time during which they can cast their vote. The polling place set-up is typically the same for Early Voting, with the same staffing requirements and the same procedures followed at the polls during the General Election. The key difference is that Early Voting poll locations are usually very limited in number by comparison to the number of polls open during General Election.



Early voting takes place in person at the clerk's office on an absentee ballot and begins 29 days before the election.

Indiana Election Code

IC 3-11-10-26. Voting before absentee voter board; time and place for voting; absentee uniformed services voters; proof of identification; assistance to voter **Sec. 26.** (a) This subsection applies to all counties, except for a county to which **IC 3-6-5.2** applies. As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board at any of the following: (1) One (1) location of the office of the circuit court clerk designated by the circuit court clerk. 2) A satellite office established under section **26.3** of this chapter. b) This subsection applies to a county to which **IC 3-6-5.2** applies. As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board at any of the following: (1) The office of the board of elections and registration. (2) A satellite office established under section **26.3** of this chapter. (c) Except for a location designated under subsection (a)(1), a location of the office of the circuit court clerk must be established as a satellite office under section **26.3** of this chapter in order to be used as a location at which a voter is entitled to cast an absentee

Early Voting Procedures (continued)



ballot before an absentee voter board under this section. (d) The voter must: (1) sign an application on the form prescribed by the commission under IC 3-11-4-5.1; and (2) provide proof of identification; before being permitted to vote. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3. (e) The voter may vote before the board not more than twenty-nine (29) days nor later than noon on the day before election day. (f) An absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than twenty-nine (29) days before the election and not later than noon on election day. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may receive and process the ballot at a location designated by resolution of the county election board. (g) The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the two (2) Saturdays preceding election day. (h) Notwithstanding subsection (g), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee ballots under this section to a minimum of four (4) hours on each of the two (2) Saturdays preceding election day. (i) As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be: (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted; (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted. (j) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with: (1) information concerning the effect of casting multiple votes for an office; and (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots. (k) If: (1) the voter is unable or declines to present the proof of identification; or (2) a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5; the voter shall be permitted to cast an absentee ballot and the voter's absentee ballot shall be treated as a provisional ballot. (l) A voter casting an absentee ballot under this section is entitled to cast the voter's ballot in accordance with IC 3-11-9.



Poll Assignment

The procedures for appointing an Election Observer are generally set out in state election law. These laws will specify who can appoint an Election Observer, as well the requirements that must be met and standards that must be followed. An Election Observer is typically appointed by a stakeholder on the current ballot. This stakeholder can be a political party with a candidate on the ballot, a candidate or group of candidates on the ballot, or a political group supporting or opposing a proposition, issue or amendment on the ballot. Every Election Observer should be given a Certificate of Appointment by the stakeholder. This certificate is typically presented to the Poll Supervisor and is the manner in which an Election Observer gains access to serve in the poll location. In planning to serve as an Election Observer, it is critical to understand this process. TRUE the VOTE does not appoint Election Observers, we help connect stakeholders with trained TRUE the VOTE volunteers.



Aside from presenting credentials from their nominating party, candidate, or media outlet, watchers must also take an oath administered by the judge or inspector before polls open.

Indiana Election Code

IC 3-6-6-18 Inspector or judge; requirement of oath**Sec. 18.** A person appointed to a precinct election office by a precinct election board or by a county election board may not assume the duties of inspector or judge until that person has taken the oath required by section 19 of this chapter. **As added by P.L.5-1986, SEC.2.****IC 3-6-6-19 Taking and administering oath****Sec. 19.** Before the polls are opened in a precinct, the inspector shall: (1) take an oath to faithfully discharge the inspector's duties; and (2) administer an oath to the judges, poll clerks, assistant poll clerks, and election sheriffs that they will faithfully discharge their duties. **As added by P.L.5-1986, SEC.2.****IC 3-6-6-23 Form of oath for precinct election officers****Sec. 23.** The oath prescribed for a precinct election officer must be signed before a person authorized to administer oaths and contain the following information: I do solemnly swear (or affirm) the following: (1) I will support the Constitution of the United States and the Constitution of the State of Indiana. (2) I will faithfully and impartially discharge the duties of inspector (or judge, poll clerk, assistant poll clerk, or sheriff) of this precinct under the law (3) I will not knowingly permit any person to vote who is not qualified and will not knowingly refuse the vote of any qualified voter or cause any delay to any person offering to vote other than is necessary to procure satisfactory information of the qualification of that person as a voter. (4) I am now a bona fide resident of the county in which the precinct in which I am to act as a member of the election board is situated and, if required by law, am a qualified voter of that county. (5) I will not disclose or communicate to any person how any voter has voted at this election or how any ballot has been folded or marked. (6) I am able to read, write, and speak the English language. (7) I have no property bet or wagered on the result of this election. (8) I am not a candidate to be voted for at this election in this precinct, except as an unopposed candidate for a political party office. (9) If I am serving as an inspector, I am not the chairman or treasurer of the committee of a candidate whose name appears on the ballot. (10) I am not related to any person to be voted for at this election in this precinct as the spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece of that person, unless that person is an unopposed candidate. (11) I was trained as required by **IC 3-6-6-40.** **As added by P.L.5-1986, SEC.2.** **Amended by P.L.3-1987, SEC.32; P.L.5-1989, SEC.9; P.L.3-1993, SEC.20; P.L.3-1995, SEC.15; P.L.11-1997, SEC.2; P.L.3-1997, SEC.43; P.L.126-2002, SEC.20; P.L.14-2004, SEC.11.**



Training Requirements

Training is usually required for Election Workers. Poll Supervisors and Assistant Poll Supervisors are typically trained in state election law, local poll procedures, and in the operation of voting equipment. Election Clerks are usually trained in local poll procedures, in the operation of voting equipment, and possibly in election law. The training for Election Workers is generally conducted by the staff of the Election Administrator.

Training for Election Observers is typically not required. Secretary of State offices may or may not provide self-taught training materials. Election Observers may or may not receive training from those who appoint them to serve.

TRUE the VOTE conducts this training course for all Election Observers associated with TRUE the VOTE. It is important for Election Observers to fully understand the election law, local poll procedures, and the operation of voting equipment, in order to identify any deviations observed during their service at the poll.



Watchers are not required to take training, unless otherwise specified by their county election board.

Indiana Election Code

IC 3-6-6-40 Training precinct election officers; content of training; training waiver Sec. 40.

(a) The county election board shall conduct a training and educational meeting for precinct election officers. (b) The board shall require inspectors to attend the meeting and may require other precinct election officers to attend the meeting. The board shall maintain a record of the attendance of each individual at the meeting conducted under this subsection. (c) The meeting required under this section must include information: (1) relating to making polling places and voting systems accessible to elderly voters and voters with a disability; and (2) relating to the voting systems used in the county. The meeting may include other information relating to the duties of precinct election officers as determined by the county election board. (d) The meeting required by this section must be held not later than the day before election day. (e) If an individual: (1) is appointed as a precinct election officer after the training and educational meeting conducted under this section; or (2) demonstrates to the county election board that the individual was unable to attend the meeting due to good cause; The county election board may authorize the individual to serve as a precinct election officer if the county election board determines that there is insufficient time to conduct the training required by this section. As added by P.L. 116-2003, SEC. 1. Amended by P.L. 66-2003, SEC. 4; P.L. 14-2004, SEC. 13; P.L. 230-2005, SEC. 16; P.L. 99-2007, SEC. 5.



Final Briefing and Deployment

TRUE the VOTE highly encourages you to attend one of our Final Briefings leading up to the election. Together with your local affiliated organization, we will review essential points, provide any last minute updates, and, most importantly, provide you with your Final Briefing information packet. Included in this packet will be your Certificate of Appointment, which will specify your polling location, hotline contact telephone numbers (including the names of your TRUE the VOTE Team Captain and other TRUE the VOTE-trained individuals serving with you), your Quick Reference Guide, Incident Reports, and other important and helpful handouts.



FINAL STEPS: 1) Attend Final Briefing, 2) Pick up materials packet, 3) Note polling place assignment, 4) Contact your team, 5) Drive by poll location prior to Election Day to learn route, 6) Get plenty of rest the day prior to working.



Election Observer Checklist

- 1) Vote early or absentee
- 2) Don't bring any electronic or recording device, except your cell phone
- 3) Don't bring any political material
- 4) Don't wear anything that refers to a political party, candidate, or issue
- 5) Bring your Final Briefing packet
- 6) Bring your Certificate of Appointment *
- 7) Bring a map or directions to the poll location*
- 8) Bring Team Captain / Hotline telephone numbers*
- 9) Bring Election Observer's Quick Reference Guide*
- 10) Take a photo ID to confirm your identity
- 11) Dress comfortably; business casual. Wear comfortable shoes
- 12) Bring food, snacks, water, medicines for 15 hours
- 13) Bring a clipboard, notepad, pens
- 14) Bring a watch
- 15) Bring a cell phone and charger
- 16) Know where to park at the polling place

* All these items will be included in your Final Briefing packet



Commitment

Be committed to your assignment. You are part of a TRUE the VOTE trained team in the polls, so please be prepared for your service and plan to serve the entire day if possible. If for some reason you find you cannot serve, notify your Team Captain immediately so a replacement can be found to keep the TRUE the VOTE team intact.



The role of a Poll Watcher is extremely important, as you are documenting the activities in the poll and ensuring that all election laws and procedures are being followed. Please do not accept this position unless you are fully committed to performing these duties. Please make sure you have cleared your schedule and made arrangements for child care, appointments or other things that could impact your commitment to serve at the polls. Remember, others are counting on you - advise your Team Captain as soon as possible if an emergency arises, causing you not to be able to fulfill your commitment.



Setting Up the Poll

The equipment and materials used in the poll are typically delivered by the Election Administrator's staff or by the Poll Supervisor. All ballots and election machines should be sealed/locked when they arrive at the polling location. The Poll Supervisor will usually notify the Election Workers to arrive at the poll location the day before voting begins to set up the poll. In some states, the Election Observer is also notified and attends the poll set up. The seals on the equipment and ballot materials should only be broken in the presence of both the Poll Supervisor and the Assistant Poll Supervisor. If the Election Observer does not witness this, confirm with the Poll Supervisor and assistant Poll Supervisor that they were both present. If they were not both present, document this fact and notify your Team Captain.



Materials are delivered by the county election board. The inspector is to pick up any undelivered materials and ballots from the office of the county election board 2-3 days before election day. Voting booths are to be set up so that voting is as private as possible. Watchers, challengers, and pollbook holders may be present for the opening of polls to assure setting up is up to code. The inspector must also set up a 50 foot long chute, which is an area set off for a line.

Indiana Election Code

IC 3-11-3-10 Receipt of ballots and other supplies by inspector or member of precinct election board. Sec. 10. The inspector of each precinct, or another member of the precinct election board authorized in writing by the inspector, shall appear at the office of the county election board of the inspector's county on the second or third day before election day to receive ballots and other supplies. IC 3-11-3-11 Delivery of ballots and ballot supplies Sec. 11. The county election board shall deliver the following to each inspector or the inspector's representative: (1) The supplies provided for the inspector's precinct by the election division. (2) The local sample ballots, the ballot labels, if any, and all poll lists, registration lists, and other supplies considered necessary to conduct the election in the inspector's precinct. (3) The local ballots printed under the direction of the county election board as follows: (A) In those precincts where ballot card voting systems are to be used, the number of ballots at least equal to one hundred percent (100%) of the number of voters in the inspector's precinct, according to the poll list. (B) In those precincts where electronic voting systems are to be used, the number of ballots that will be required to be printed and furnished to the precincts for emergency purposes only. (C) Provisional ballots in the number considered necessary by the county election board. (4) Twenty (20) ink pens suitable for printing the names of write-in candidates on the ballot or ballot envelope. (5) Copies of the voter's bill of rights for posting as required by 42 U.S.C. 15482. (6) Copies of the instructions for a provisional voter required by 42 U.S.C. 15482. The county election board shall provide at least the number of copies of the instructions as the number of provisional ballots provided under subdivision (3). C 3-11-11-1.8 Time of delivery to polls of ballots and equipment Sec. 1.8. Each county election board shall have the ballots and all necessary furniture and appliances that go with the ballots at the polls delivered to the appropriate precinct not later than 6 p.m. of the day before election day. The county executive shall provide transportation for the material if requested to do so by the county election board. IC 3-11-11-2 Voting preparations; ballot box Sec. 2. (a) On the morning of election day, the precinct election officers shall meet at the polls at least one (1) hour before the time for opening the polls. The inspector then shall have: (1) the boundaries of the chute designated; (2) the sample ballots and instruction cards posted; and (3) everything put in readiness for the commencement of voting at the opening of the polls. (b) At the opening of the polls, the inspector and judges shall see that there are no ballots in the ballot box before the voting begins. After the inspection of the box, the inspector shall: (1) securely lock the box; (2) give one (1) key to the judge of the opposite political party; and (3) retain one (1) key. c) Once securely locked, the ballot box may not be opened again until after the polls have been closed and the precinct election board is ready to immediately proceed with the counting, except as otherwise provided for central counting d) The voting booths or compartments must be of a size and design to permit a voter to mark ballots in secret.



Types of Ballots and Equipment

The types of ballots, and the extent to which electronic voting machines are used, differ from state to state and sometimes county to county. Be familiar with what is used in your location, including the specific type of ballot and election machines used.



Much of Indiana uses paper ballot with automated machines, but some counties do use electronic ballots. Voting systems in Indiana include paper ballot, optical scan ballot card, and direct record electronic/touch screen ballots. Check to see what equipment will be at your poll.

Indiana Election Code

IC 3-5-2-2 "Automatic tabulating machine" Sec. 2. "Automatic tabulating machine" means: (1) apparatus necessary to automatically examine and count votes as designated on ballots; and (2) data processing machines that can be used for counting ballots and tabulating results. As added by "Ballot card voting system" Sec. 4.5. "Ballot card voting system" refers to an optical scan voting system. As added by P.L.239-2001, SEC.2. Amended by P.L.221-2005, SEC.3. **IC 3-5-2-21 "Electronic voting system" Sec. 21.** "Electronic voting system" means a system in which: (1) voters record their votes by activating touch-sensitive marking devices; and (2) votes are counted by automatic tabulating As added by P.L.5-1986, SEC.1. Amended by P.L.6-1986, SEC.2; P.L.3-1987, SEC.5. C 3-5-2-5 "Voting method" Sec. 52. "Voting method" means the use of: (1) paper ballots; (2) ballot card voting systems; (3) electronic voting systems; or (4) any combination of these; to register votes in a precinct. As added by P.L.3-1987, SEC.11. Amended by P.L.221-2005, SEC.7.



Arrival at Poll

Plan to arrive at the poll location at least one hour prior to the opening of the poll to voters. Upon arrival, introduce yourself to the Poll Supervisor and provide identification, including a Certificate of Appointment when required. Ask the Poll Supervisor what their policy is on cell phones and follow that policy while in the poll. Ask the Poll Supervisor where you should stand or sit. Remember that the election law allows the Election Observer to be able to see all voting activities. From where you are placed, you should be able to observe the voter check-in qualification process including the use of a poll book or electronic voter roll. If you are prevented from viewing all aspects of the voting process or prevented from serving at all, you should show the Poll Supervisor the legal reference on your Election Observer Quick Reference Guide. If the Poll Supervisor continues to not let you serve, ask them to document the reason for denying your service on the back of your Appointment Certificate, then step outside the poll, but within the non-electioneering zone, and call your Team Captain to report that your service has been refused. Do not leave the poll or step outside the non-electioneering zone. Follow the instructions from your Team Captain



Election workers are to present credentials in case they are asked to be presented by an precinct board member. Credentials are provided by nominating party and should be signed by the chairman of the county election board, county chairman of the party, or chairman of the committee of the independent candidate represented..

Arrival at Poll (continued)



Indiana Election Code

IC 3-6-8-3 Identification card Sec. 3. (a) A watcher present at the polls must possess an identification card issued under this section and present the card if demanded by a member of the precinct election board. (b) The county election board, county chairman, or chairman of the committee of the independent candidate for a federal or a state office: (1) must appoint each watcher in writing; and (2) shall issue one (1) watcher identification card for each person appointed as a watcher. (c) The identification card must be signed by the chairman of the county election board, county chairman of the party, or chairman of the committee of the independent candidate for a federal or a state office that the watcher represents. (d) The identification card described in subsection (a) must clearly state the following: (1) The status of the individual as an appointed watcher. (2) The name of the individual serving as a watcher. (3) The name of the person who appointed the individual as a watcher. (4) If the individual has been appointed as a watcher by a political party, the name of the political party.



Notes



Election Observer Rules and Privileges

Things an Election Observer May Do:

- May observe all aspects of the election voting process.
- May be present to observe every step of the ballot handling.
- May be present anytime the poll location is unlocked, including during set up and close down of the poll.
- May follow the ballots during transit between poll location and central count facility, if applicable.
- May be present during the ballot count.
- Must serve for a minimum number of hours before leaving and returning to the poll location.
- May be present to observe same day voter registration processes at the polls.

Things an Election Observer May Not Do:

- Talk with voters.
- Communicate in any way with voters.
- Use a recording device inside the polls.
- Use a cell phone inside the polls.
- Be partisan in any way.
- Wear a name tag (not allowed in most states).
- Reveal any information about the vote count or ongoing business in the polls.
- Observe the ballot of a voter.



Watchers may not interfere with election procedures or talk to anyone during the election process. Watchers also may not handle any of the election equipment. Watchers may come and go as they please and may arrive 30 minutes before polls open to observe the opening procedures. Watchers may accompany inspectors in returning reports to the county clerk and be present for the vote tally. Watchers may inspect election materials and the election process carried out by the precinct election board and if an incident occurs, they may ask for assistance by the election sheriff.

Indiana Election Code

IC 3-6-10-5

Watcher identification card; powers; photographing proceedings; photographing voters Sec. 5. (a) Each person who acts as a watcher under this chapter must obtain a watcher identification card from the county election board. The identification card issued under this subsection must clearly state the following: (1) The status of the individual as an appointed watcher. (2) The name of the individual serving as a watcher. (3) The name of the person that appointed the individual as a watcher.

(b) Watchers appointed under this chapter do not have a voice or vote in any proceeding of a precinct election board. The watchers may attend the election as witnesses only and are subject to the orders of the board. (c) Except as provided in subsection (d), a watcher appointed under this chapter may photograph the proceedings of a precinct election board. (d) A watcher appointed under this chapter may not photograph a voter: (1) while the voter is in the polls if the voter informs the precinct election board that the voter objects to being photographed by the watcher; or (2) in a manner that permits the watcher to see or know for what ticket, candidates, or public questions the voter has voted.

As added by P.L.5-1986, SEC.2. Amended by P.L.3-1987, SEC.45; P.L.7-1990, SEC.5; P.L.4-1996, election sheriffs to make arrests.

Election Observer Rules and Privileges (continued)



IC 3-6-8-4 Powers and duties Sec. 4. A watcher appointed under this chapter is entitled to: (1) enter the polls at least thirty (30) minutes before the opening of the polls and remain there throughout election day until all tabulations have been completed; (2) inspect the paper ballot boxes, ballot card voting system, or electronic voting system before votes have been cast; (3) inspect the work being done by any precinct election officer; (4) enter, leave, and reenter the polls at any time on election day; (5) witness the calling and recording of the votes and any other proceedings of the precinct election officers in the performance of official duties; (6) receive a summary of the vote prepared under IC 3-12-2-15, IC 3-12-3-2, IC 3-12-3-11, or IC 3-12-3.5-3, signed by the precinct election board, providing: (A) the names of all candidates of the political party whose primary election is being observed by the watcher and the number of votes cast for each candidate; (B) the names of all candidates at a general, municipal, or special election and the number of votes cast for each candidate; or (C) the vote cast for or against a public question; (7) accompany the inspector and judge in delivering the tabulation and election returns to the county election board by the most direct route; (8) be present when the inspector takes a receipt for the tabulation and election returns delivered to the county election board; and (9) call upon the As added by P.L.5-1986, SEC.2. Amended by P.L.3-1987, SEC.38; P.L.3-1993, SEC.26; P.L.3-1997, SEC.48; P.L.221-2005, SEC.11.



http://www.in.gov/sos/elections/files/2012_Election_Day_Handbook_12.5.11.pdf



Infractions

If an Election Observer should witness an infraction of the election law, the Observer should immediately notify the Poll Supervisor, as the intent is to prevent an illegal action from occurring. Document all aspects of the event witnessed, including the actions taken by the Poll Supervisor. If the Poll Supervisor does not immediately resolve the problem and stop or prevent the violation from occurring, tell the Poll Supervisor that you have a duty to report the event if it is not resolved. If the Poll Supervisor still does not immediately correct the situation, exit the polling location, but stay within the non-electioneering zone and contact your Team Captain via the hotline telephone number. Report the situation to the Team Captain then return quickly to the poll to continue observing and documenting election activities.



Watchers are to document any violation they observe and report it to their county grand jury or a prosecuting attorney.

Indiana Election Code

IC 3-6-8-6 Report of violations

Sec. 6. A watcher appointed under this chapter shall report any violation of the election laws that comes to the watcher's attention to the county grand jury or prosecuting attorney.



Conflict Resolution

In a conflict or confrontational situation, remember to follow these guidelines:

- Do not talk to whomever is causing the problem, unless it is the Poll Supervisor; doing so places you at risk of being removed from the poll!
- Do not engage in or return the confrontation. Remain professional and courteous.
- Calmly walk to the Poll Supervisor, and inform them of the situation, ask them to resolve it.
- Document the situation.
- If the confrontation continues, repeat your request.
- If the Poll Supervisor does not immediately handle the situation and stop the confrontation, contact your Team Captain.
- It is a good idea to contact your Team Captain about confrontational events in case you are witnessing or experiencing a situation that may occur in other locations. Your Team Captain will take care of any further notifications needed.
- Remember that your goal is observe and document, and do nothing that causes you to be removed from the poll.



*PROFESSIONAL CONDUCT & CONFLICT RESOLUTION: *Remember – your PRIMARY MISSION is observation and documentation, *Be professional in speech and body language, *Tone of voice says more than words chosen, *Avoid being dismissed as disruptive, *Know your reference materials, highlight important items, *Ask Presiding Judge to deal with hostile persons, *In dealing with errors by Presiding Judge or other Election Workers, politely point out correct action from reference materials, -If not corrected, document and call hotline.*



Notes





Who's in the Polls?

The first thing we suggest you do as an Election Observer is get to know the Election Workers and other Observers you'll be spending the day with. Introduce yourself to everyone you will be working with, including Supervisors, Clerks, and other Election Observers, and write down their names in your notebook.



Opening Evaluation

Note the set up of poll at opening. Include whether all required notices are properly posted and all proper areas, such as the non-electioneering zone are correctly marked. Determine the location of all documents used in the voting process and that they are readily available. Make a special note of anything you cannot locate, or that is not being used, and bring this to the attention of the Poll Supervisor.

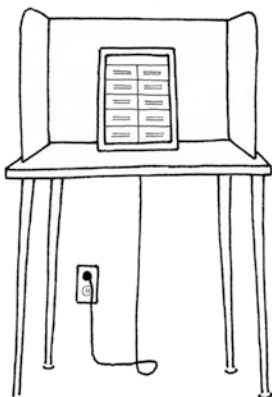


Officer table- Poll lists, voter registration lists, certificates, affidavits, Electronic poll lists may also be used. Poll clerks will initial each ballot at opening. The election board shall sign a certificate of opening. Other-Instruction cards shall be posted around the polls and the outer end of the chute. Sample ballots shall be placed around the polls. Poll clerks will records a record of the announcement of the polls opening on the tally sheets.

Indiana Election Code

As added by P.L.5-1986, SEC.7.

IC 3-11-8-10.3 Electronic poll list; requirements. Sec. 10.3. (a) As used in this section, "electronic poll list" refers to a poll list that is maintained in a computer data base. (b) An electronic poll list must satisfy all of the following: (1) An electronic poll list must be programmed so that the coordinated action of two (2) election officers who are not members of the same political party is necessary to access the electronic poll list. (2) An electronic poll list may not be connected to a voting system. (3) An electronic poll list may not permit access to voter information other than information provided on the certified list of voters prepared under **IC 3-7-29-1**. As added by P.L.1-2011, SEC.2. **IC 3-11-11-4** Initial of poll clerk on each ballot. Sec. 4. Upon receipt of the ballots and pen under section 3 of this chapter, the poll clerks or assistant poll clerks immediately shall place their initials in ink on the back of each ballot. The initials must be in the clerks' ordinary handwriting or printing and without a distinguishing mark of any kind. As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.276; P.L.3-1993, SEC.157. **IC 3-11-14-17** Preparation at polls before opening; system check; certification. Sec. 17. (a) Before the opening of the polls, each precinct election board shall: (1) compare the ballot label on each electronic voting system with the sample ballot to see that it is correct; (2) see that the system records zero (0) votes for each candidate and on each public question; and(3) see that the system is otherwise in perfect order. (b) After the system is in perfect order for voting, the precinct election board may not permit the counters to be operated except by voters in voting. The board then shall certify that the ballot labels and the sample ballots are in agreement. Forms shall be provided for certification, and the certification shall be filed with the election returns. As added by P.L.3-1987, SEC.327.





Equipment Usage

Note that all provided voting equipment is present and being used. There is typically an inventory sheet or report of all voting equipment delivered to the polling location. Notify the Poll Supervisor and your Team Captain immediately if any item is missing or not being used. It is likely that the poll cannot be opened unless all equipment is present and being properly used. Note the location of the seals that must be used on the equipment at closing. Document this location for use later in the day.



Paper Ballot and Ballot Card Voting System- Ballot box with at least two different locks. If pure paper ballot, pens will be provided for marking ballot. If BCVS marking devices and demonstration marking devices will be provided by the county election board.

Electronic Voting Systems- Ballot labels which will be placed on each voting system after systems are checked by the precinct board

Indiana Election Code

IC 3-11-3-16 Poll lists; voter registration lists; preparation; delivery to inspectors Sec. 16. Each county election board shall prepare and have delivered to the inspectors of the precincts, at the time they receive the ballots for their precincts, a suitable number of voter registration lists certified under **IC 3-7-29** and any other forms, papers, certificates, and oaths that are required to be furnished to precinct election boards. The forms and papers must be prepared in compliance with IC 3-5-4-8. The county voter registration office shall cooperate with the county election board in the preparation of the lists certified under **IC 3-7-29**. As added by P.L.5-1986, SEC.7. Amended by P.L.209-2003, SEC.106; P.L.164-2006, SEC.90. **IC 3-11-3-24** Instruction cards; posting Sec. 24. The inspector of each precinct shall have the cards required by section 22 of this chapter posted as follows: (1) One (1) of each card in each place or compartment provided for the preparation of ballots. (2) One (1) of each card at or close to the outer end of the chute. (3) At least three (3) of each card in and about the polls. As added by P.L.5-1986, SEC.7. Amended by P.L.69-2003, SEC.3. **IC 3-11-3-25** Sample ballots; posting Sec. 25. As required by 42 U.S.C. 15482, the inspector of each precinct shall post the samples of each of the state and local ballots provided by the county election board under this article in and about the polls. The sample ballots shall be printed on different paper than the genuine ballots. As added by P.L.5-1986, SEC.7. Amended by P.L.10-1988, SEC.102; P.L.209-2003, SEC.111. **IC 3-11-8-7** Preparation of polls for election Sec. 7. In preparing the polls for an election, the county executive shall: (1) have placed within the room a railing separating the part of the room to be occupied by the precinct election board from that part of the room to be occupied by the ballot card voting systems, electronic voting systems, and the three (3) or more booths or compartments for marking paper ballots, whenever either or two (2) of these voting systems are used; (2) ensure that the portion of the room set apart for the precinct election board includes a door at which each voter appears for challenge; and (3) provide a method or material for designating the boundaries of the chute, such as a railing, rope, or wire on each side, beginning a distance equal to the length of the chute as defined in **IC 3-5-2-10** away from and leading to the door for challenge and to the room in which the election is held. As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.253; P.L.69-2003, SEC.4; P.L.221-2005, SEC.65. **IC 3-11-8-10** Precinct record to be made by poll clerks; contents Sec. 10. The poll clerks of each precinct shall make a record of: (1) the inspector's proclamation of the closing of the polls; and (2) the time the proclamation was made. The poll clerks shall enter the record required by this section on the tally papers. After the record has been made no more voters may vote except as provided in section 11 of this chapter. **IC 3-11-3-33 Provision of ballot box Sec. 33.** Whenever a general election is held, the county election board shall provide a ballot box for each precinct. As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.221. **IC 3-11-3-34 Ballot boxes; specifications Sec. 34.** Each ballot box provided under section 33 of this chapter must:



Equipment Usage (continued)

(1) have an opening in the lid sufficient only for a single ballot; (2) have at least two (2) locks of different kinds and combinations, so that one (1) key will not unlock the other; and (3) be constructed to prevent fraud. As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.222. IC 3-11-11-3 Opening package of ballots; delivery of ballots and writing instrument Sec. 3. At the opening of the polls, after the organization of and in the presence of the precinct election board, the inspector shall: (1) open the packages of ballots in a manner that preserves the seals intact; (2) deliver twenty-five (25) of each of the state and local ballots to the poll clerk of the opposite political party; and (3) deliver to the other poll clerk a pen for marking the ballots. As added by P.L.5-1986, SEC.7. Amended by P.L.5-1989, SEC.59; P.L.3-1993, SEC.156. **IC 3-11-11-6 Delivery of ballots and writing instrument to voter; explanations** Sec. 6. (a) After a voter has signed the poll list, one (1) of the poll clerks or assistant poll clerks shall deliver to the voter one (1) of each ballot that the voter is entitled to vote at the election and one (1) pencil or pen. Both judges, on request, shall give an explanation of the voting method. If necessary, a precinct election officer shall assist a voter in determining if the proper initials appear on a ballot. (b) As provided by 42 U.S.C. 15481, when a voter receives a paper ballot under this section, the board must also provide the voter with: (1) information concerning the effect of casting multiple votes for an office; and (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots. As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.278; P.L.5-1989, SEC.60; P.L.3-1993, SEC.158; P.L.209-2003, SEC.151; P.L.164-2006, SEC.111. **IC 3-11-13-6 Marking devices; preparation; time of system delivery to polls** Sec. 6. (a) Before an election at which a ballot card voting system is used, a county election board shall: (1) have the marking devices prepared for the election; (2) have the marking devices put in order, set and adjusted, and made ready for voting when delivered to the precincts; and (3) provide the precinct election officers with marking devices, a demonstration marking device, ballot cards, ballot boxes, ballot labels, and other records and supplies as required. (b) While acting under subsection (a), the county election board may restrict access to parts of the room where marking devices and other election material are being handled to safeguard this material. (c) Each county election board shall have each ballot card voting system, along with all necessary furniture and appliances that go with the system at the polls, delivered to the appropriate precinct not later than 6 p.m. of the day before election day. The county executive shall provide transportation for the systems if requested to do so by the county election board. As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.306; P.L.3-1997, SEC.320; P.L.176-1999, SEC.79; P.L.239-2001, SEC.9; P.L.221-2005, SEC.76. Ballot labels; installation Sec. 10. Each county election board shall, before election day, have the proper ballot labels prepared as required by section 3.5 of this chapter and put on each electronic voting system. As added by P.L.3-1987, SEC.327. Amended by P.L.3-1993, SEC.173; P.L.58-2005, SEC.23. **IC 3-11-14-15 Examination of system and sample ballots upon delivery** Sec. 15. (a) After the delivery of an electronic voting system to a precinct, the precinct election board may meet at the polls on the same day, open the package containing the sample ballots, and, if necessary, examine the ballot label, to determine whether the system is ready for use in accordance with section 11 of this chapter. If a system is not in compliance with that section, the board shall immediately label, set and adjust, and place the system in order or have it done. (b) While acting under subsection (a), the precinct election board may restrict access to parts of the room where voting systems and other election material are being handled to safeguard this material. As added by P.L.3-1987, SEC.327. Amended by P.L.3-1997, SEC.331. **IC 3-11-14-17 reparation at polls before opening; system check; certification** Sec. 17. (a) Before the opening of the polls, each precinct election board shall: (1) compare the ballot label on each electronic voting system with the sample ballot to see that it is correct; (2) see that the system records zero (0) votes for each candidate and on each public question; and (3) see that the system is otherwise in perfect order. (b) After the system is in perfect order for voting, the precinct election board may not permit the counters to be operated except by voters in voting.



Opening Procedures

Confirm that all electronic voting machines have a zero count (a paper printout that confirms no votes have been cast) before the polls open and that all paper ballot collect boxes are empty. Document this verification.



Watchers may enter the polls at least 30 minutes before polls open to inspect election materials and the work done by other election officers.

Indiana Election Code

IC 3-11-11-2 Voting preparations; ballot box Sec. 2. (a) On the morning of election day, the precinct election officers shall meet at the polls at least one (1) hour before the time for opening the polls. The inspector then shall have: (1) the boundaries of the chute designated; (2) the sample ballots and instruction cards posted; and (3) everything put in readiness for the commencement of voting at the opening of the polls. (b) At the opening of the polls, the inspector and judges shall see that there are no ballots in the ballot box before the voting begins. After the inspection of the box, the inspector shall (1) securely lock the box; (2) give one (1) key to the judge of the opposite political party; and (3) retain one (1) key. (c) Once securely locked, the ballot box may not be opened again until after the polls have been closed and the precinct election board is ready to immediately proceed with the counting, except as otherwise provided for central counting. (d) The voting booths or compartments must be of a size and design to permit a voter to mark ballots in secret. **IC 3-6-8-4 Powers and duties Sec. 4.** A watcher appointed under this chapter is entitled to: (1) enter the polls at least thirty (30) minutes before the opening of the polls and remain there throughout election day until all tabulations have been completed; (2) inspect the paper ballot boxes, ballot card voting system, or electronic voting system before votes have been cast; (3) inspect the work being done by any precinct election officer; (4) enter, leave, and reenter the polls at any time on election day; (5) witness the calling and recording of the votes and any other proceedings of the precinct election officers in the performance of official duties; (6) receive a summary of the vote prepared under **IC 3-12-2-15, IC 3-12-3-2, IC 3-12-3-11, or IC 3-12-3.5-3, signed by the precinct election board, providing:** (A) the names of all candidates of the political party whose primary election is being observed by the watcher and the number of votes cast for each candidate; (B) the names of all candidates at a general, municipal, or special election and the number of votes cast for each candidate; or (C) the vote cast for or against a public question; (7) accompany the inspector and judge in delivering the tabulation and election returns to the county election board by the most direct route; (8) be present when the inspector takes a receipt for the tabulation and election returns delivered to the county election board; and (9) call upon the election sheriffs to make arrests. **IC 3-6-7-5 Right to enter and leave polls Sec. 5.** (a) A pollbook holder or a challenger appointed under this chapter is entitled to do the following: (1) Enter the polls at least thirty (30) minutes before the opening of the polls and remain there throughout election day until the polls close. (2) Enter, leave, and reenter the polls at any time on election day. (b) A pollbook holder or a challenger is subject to the orders of the board while in the polls. (c) If demanded by a member of the precinct election board, a pollbook holder or a challenger shall produce the identification card issued under section 1(d) of this chapter.

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